

person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) Sexual assault with an object

The term “sexual assault with an object” means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) Sexual fondling

The term “sexual fondling” means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) Exclusions

The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

(Pub. L. 108–79, §10, Sept. 4, 2003, 117 Stat. 987.)

CHAPTER 148—WINDSTORM IMPACT REDUCTION

Sec.	
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§ 15701. Findings

The Congress finds the following:

(1) Hurricanes, tropical storms, tornadoes, and thunderstorms can cause significant loss of life, injury, destruction of property, and economic and social disruption. All States and regions are vulnerable to these hazards.

(2) The United States currently sustains several billion dollars in economic damages each year due to these windstorms. In recent decades, rapid development and population growth in high-risk areas has greatly increased overall vulnerability to windstorms.

(3) Improved windstorm impact reduction measures have the potential to reduce these losses through—

(A) cost-effective and affordable design and construction methods and practices;

(B) effective mitigation programs at the local, State, and national level;

(C) improved data collection and analysis and impact prediction methodologies;

(D) engineering research on improving new structures and retrofitting existing ones to better withstand windstorms, atmospheric-related research to better understand the behavior and impact of windstorms on the built environment, and subsequent application of those research results; and

(E) public education and outreach.

(4) There is an appropriate role for the Federal Government in supporting windstorm impact reduction. An effective Federal program in windstorm impact reduction will require interagency coordination, and input from individuals, academia, the private sector, and other interested non-Federal entities.

(Pub. L. 108–360, title II, §202, Oct. 25, 2004, 118 Stat. 1675.)

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114–52, §1, Sept. 30, 2015, 129 Stat. 496, provided that: “This Act [amending sections 15702 to 15704 and 15706 of this title] may be cited as the ‘National Windstorm Impact Reduction Act Reauthorization of 2015’.”

SHORT TITLE

Pub. L. 108–360, title II, §201, Oct. 25, 2004, 118 Stat. 1675, provided that: “This Act [probably should be ‘this title’, enacting this chapter and amending section 1885d of this title] may be cited as the ‘National Windstorm Impact Reduction Act of 2004’.”

§ 15702. Definitions

In this chapter:

(1) Director

The term “Director” means the Director of the National Institute of Standards and Technology.

(2) Lifelines

The term “lifelines” means public works and utilities, including transportation facilities and infrastructure, oil and gas pipelines, electrical power and communication facilities and infrastructure, and water supply and sewage treatment facilities.

(3) Program

The term “Program” means the National Windstorm Impact Reduction Program established by section 15703(a) of this title.

(4) State

The term “State” means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(5) Windstorm

The term “windstorm” means any storm with a damaging or destructive wind component, such as a hurricane, tropical storm, northeaster, tornado, or thunderstorm.

(Pub. L. 108-360, title II, §203, Oct. 25, 2004, 118 Stat. 1676; Pub. L. 114-52, §2, Sept. 30, 2015, 129 Stat. 496.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 108-360, Oct. 25, 2004, 118 Stat. 1675, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 15701 of this title and Tables.

AMENDMENTS

2015—Par. (1). Pub. L. 114-52, §2(a), substituted “Director of the National Institute of Standards and Technology” for “Director of the Office of Science and Technology Policy”.

Par. (2). Pub. L. 114-52, §2(b)(2), added par. (2). Former par. (2) redesignated (3).

Pars. (3), (4). Pub. L. 114-52, §2(b)(1), redesignated pars. (2) and (3) as (3) and (4), respectively. Former par. (4) redesignated (5).

Par. (5). Pub. L. 114-52, §2(b)(1), (c), redesignated par. (4) as (5) and inserted “northeaster,” after “tropical storm,”.

§ 15703. National Windstorm Impact Reduction Program

(a) Establishment

There is established the National Windstorm Impact Reduction Program, the purpose of which is to achieve major measurable reductions in the losses of life and property from windstorms through a coordinated Federal effort, in cooperation with other levels of government, academia, and the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging the implementation of cost-effective mitigation measures to reduce those impacts.

(b) Responsibilities of Program agencies

(1) Lead agency

The National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director shall—

(A) ensure that the Program includes the necessary components to promote the implementation of windstorm risk reduction measures by Federal, State, and local governments, national standards and model building code organizations, architects and engineers, and others with a role in planning and constructing buildings and lifelines;

(B) support the development of performance-based engineering tools, and work with appropriate groups to promote the commercial application of such tools, including through wind-related model building codes, voluntary standards, and construction best practices;

(C) request the assistance of Federal agencies other than the Program agencies, as necessary to assist in carrying out this chapter;

(D) coordinate all Federal post-windstorm investigations to the extent practicable; and

(E) when warranted by research or investigative findings, issue recommendations to assist in informing the development of

model codes, and provide information to Congress on the use of such recommendations.

(2) National Institute of Standards and Technology

In addition to the lead agency responsibilities described under paragraph (1), the National Institute of Standards and Technology shall be responsible for carrying out research and development to improve model building codes, voluntary standards, and best practices for the design, construction, and retrofit of buildings, structures, and lifelines.

(3) National Science Foundation

The National Science Foundation shall support research in—

(A) engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines; and

(B) economic and social factors influencing windstorm risk reduction measures.

(4) National Oceanic and Atmospheric Administration

The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(5) Federal Emergency Management Agency

The Federal Emergency Management Agency shall—

(A) support—

(i) the development of risk assessment tools and effective mitigation techniques;

(ii) windstorm-related data collection and analysis;

(iii) public outreach and information dissemination; and

(iv) promotion of the adoption of windstorm preparedness and mitigation measures, including for households, businesses, and communities, consistent with the Agency’s all-hazards approach; and

(B) work closely with national standards and model building code organizations, in conjunction with the National Institute of Standards and Technology, to promote the implementation of research results and promote better building practices within the building design and construction industry, including architects, engineers, contractors, builders, and inspectors.

(c) Program components

(1) In general

The Program shall consist of three primary mitigation components: improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction. The components shall be implemented through activities such as data collection and analysis, risk assessment, outreach, technology transfer, and research and development. To the extent practicable, research activities authorized under this chapter shall be peer-reviewed, and the components shall be designed to be complementary to, and avoid duplication of,

other public and private hazard reduction efforts.

(2) Understanding of windstorms

Activities to enhance the understanding of windstorms shall include research to improve knowledge of and data collection on the impact of severe wind on buildings, structures, and infrastructure.

(3) Windstorm impact assessment

Activities to improve windstorm impact assessment shall include—

(A) development of mechanisms for collecting and inventorying information on the performance of buildings, structures, and infrastructure in windstorms and improved collection of pertinent information from sources, including the design and construction industry, insurance companies, and building officials;

(B) research, development, and technology transfer to improve loss estimation and risk assessment systems; and

(C) research, development, and technology transfer to improve simulation and computational modeling of windstorm impacts.

(4) Windstorm impact reduction

Activities to reduce windstorm impacts shall include—

(A) development of improved outreach and implementation mechanisms to translate existing information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials;

(B) development of cost-effective and affordable windstorm-resistant systems, structures, and materials for use in new construction and retrofit of existing construction; and

(C) outreach and information dissemination related to cost-effective and affordable construction techniques, loss estimation and risk assessment methodologies, and other pertinent information regarding windstorm phenomena to Federal, State, and local officials, the construction industry, and the general public.

(d) Budget activities

The Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, the Director of the National Oceanic and Atmospheric Administration, and the Director of the Federal Emergency Management Agency shall each include in their agency's annual budget request to Congress a description of their agency's projected activities under the Program for the fiscal year covered by the budget request, along with an assessment of what they plan to spend on those activities for that fiscal year.

(e) Interagency Coordinating Committee on Windstorm Impact Reduction

(1) Establishment

There is established an Interagency Coordinating Committee on Windstorm Impact Reduction, chaired by the Director or the Director's designee.

(2) Membership

In addition to the chair, the Committee shall be composed of—

(A) the heads or such designees of—

(i) the Federal Emergency Management Agency;

(ii) the National Oceanic and Atmospheric Administration;

(iii) the National Science Foundation;

(iv) the Office of Science and Technology Policy; and

(v) the Office of Management and Budget; and

(B) the head of any other Federal agency, or such designee, the chair considers appropriate.

(3) Meetings

The Committee shall meet not less than once a year at the call of the Director of the National Institute of Standards and Technology.

(4) General purpose and duties

The Committee shall oversee the planning and coordination of the Program.

(5) Strategic plan

The Committee shall develop and submit to Congress, not later than 1 year after September 30, 2015, a Strategic Plan for the Program that includes—

(A) prioritized goals for the Program that will mitigate against the loss of life and property from future windstorms;

(B) short-term, mid-term, and long-term research objectives to achieve those goals;

(C) a description of the role of each Program agency in achieving the prioritized goals;

(D) the methods by which progress towards the goals will be assessed; and

(E) an explanation of how the Program will foster the transfer of research results into outcomes, such as improved model building codes.

(6) Progress report

Not later than 18 months after September 30, 2015, the Committee shall submit to the Congress a report on the progress of the Program that includes—

(A) a description of the activities funded under the Program, a description of how these activities align with the prioritized goals and research objectives established in the Strategic Plan, and the budgets, per agency, for these activities;

(B) the outcomes achieved by the Program for each of the goals identified in the Strategic Plan;

(C) a description of any recommendations made to change existing building codes that were the result of Program activities; and

(D) a description of the extent to which the Program has incorporated recommendations from the Advisory Committee on Windstorm Impact Reduction.

(7) Coordinated budget

The Committee shall develop a coordinated budget for the Program, which shall be sub-

mitted to the Congress not later than 60 days after the date of the President's budget submission for each fiscal year.

(Pub. L. 108-360, title II, §204, Oct. 25, 2004, 118 Stat. 1676; Pub. L. 114-52, §3, Sept. 30, 2015, 129 Stat. 496.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1)(C), was in the original “this Act” and was translated as reading “this title”, to reflect the probable intent of Congress. See below.

This chapter, referred to in subsec. (c)(1), was in the original “this title”, meaning title II of Pub. L. 108-360, Oct. 25, 2004, 118 Stat. 1675, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 15701 of this title and Tables.

AMENDMENTS

2015—Subsecs. (a), (b). Pub. L. 114-52, §3(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which related to the establishment and objective of the National Windstorm Impact Reduction Program, respectively.

Subsec. (c). Pub. L. 114-52, §3(1), (2), redesignated subsec. (d) as (c) and struck out former subsec. (c) which established an Interagency Working Group.

Subsecs. (d), (e). Pub. L. 114-52, §3(2), (3), added subsecs. (d) and (e), redesignated former subsec. (d) as (c), and struck out former subsec. (e) which required an implementation plan from the Interagency Working Group.

Subsec. (f). Pub. L. 114-52, §3(2), struck out subsec. (f) which required biennial reports on the status of the windstorm impact reduction program.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

§ 15704. National Advisory Committee on Windstorm Impact Reduction

(a) In general

The Director of the National Institute of Standards and Technology shall establish an Advisory Committee on Windstorm Impact Reduction, which shall be composed of at least 7 and not more than 15 members who are qualified to provide advice on windstorm impact reduction and represent related scientific, architectural, and engineering disciplines, none of whom may be employees of the Federal Government, including—

- (1) representatives of research and academic institutions;
- (2) industry standards development organizations;
- (3) emergency management agencies;
- (4) State and local government; and
- (5) business communities, including the insurance industry.

(b) Assessments

The Advisory Committee on Windstorm Impact Reduction shall offer assessments and recommendations on—

- (1) trends and developments in the natural, engineering, and social sciences and practices of windstorm impact mitigation;

(2) the priorities of the Program's Strategic Plan;

(3) the coordination of the Program;

(4) the effectiveness of the Program in meeting its purposes; and

(5) any revisions to the Program which may be necessary.

(c) Compensation

The members of the Advisory Committee established under this section shall serve without compensation.

(d) Reports

At least every 2 years, the Advisory Committee shall report to the Director on the assessments carried out under subsection (b) and its recommendations for ways to improve the Program.

(e) Charter

Notwithstanding section 14(b)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall not be required to file a charter subsequent to its initial charter, filed under section 9(c) of such Act, before the termination date specified in subsection (f) of this section.

(f) Termination

The Advisory Committee shall terminate on September 30, 2017.

(g) Conflict of interest

An Advisory Committee member shall recuse himself from any Advisory Committee activity in which he has an actual pecuniary interest.

(Pub. L. 108-360, title II, §205, Oct. 25, 2004, 118 Stat. 1678; Pub. L. 114-52, §4, Sept. 30, 2015, 129 Stat. 499.)

REFERENCES IN TEXT

Sections 9 and 14 of the Federal Advisory Committee Act, referred to in subsec. (e), are sections 9 and 14, respectively, of Pub. L. 92-463, which are set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2015—Pub. L. 114-52 amended section generally. Prior to amendment, section established a National Advisory Committee on Windstorm Impact Reduction.

§ 15705. Savings clause

Nothing in this chapter supersedes any provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 [42 U.S.C. 5401 et seq.]. No design, construction method, practice, technology, material, mitigation methodology, or hazard reduction measure of any kind developed under this chapter shall be required for a home certified under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant to standards issued under such Act, without being subject to the consensus development process and rulemaking procedures of that Act.

(Pub. L. 108-360, title II, §206, Oct. 25, 2004, 118 Stat. 1679.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 108-360, Oct. 25,

2004, 118 Stat. 1675, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 15701 of this title and Tables.

The National Manufactured Housing Construction and Safety Standards Act of 1974, referred to in text, is title VI of Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 700, as amended, which is classified generally to chapter 70 (§5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

§ 15706. Authorization of appropriations

(a) Federal Emergency Management Agency

There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this chapter—

- (1) \$5,332,000 for fiscal year 2015;
- (2) \$5,332,000 for fiscal year 2016; and
- (3) \$5,332,000 for fiscal year 2017.

(b) National Science Foundation

There are authorized to be appropriated to the National Science Foundation for carrying out this chapter—

- (1) \$9,682,000 for fiscal year 2015;
- (2) \$9,682,000 for fiscal year 2016; and
- (3) \$9,682,000 for fiscal year 2017.

(c) National Institute of Standards and Technology

There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this chapter—

- (1) \$4,120,000 for fiscal year 2015;
- (2) \$4,120,000 for fiscal year 2016; and
- (3) \$4,120,000 for fiscal year 2017.

(d) National Oceanic and Atmospheric Administration

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this chapter—

- (1) \$2,266,000 for fiscal year 2015;
- (2) \$2,266,000 for fiscal year 2016; and
- (3) \$2,266,000 for fiscal year 2017.

(Pub. L. 108-360, title II, §207, Oct. 25, 2004, 118 Stat. 1679; Pub. L. 114-52, §5, Sept. 30, 2015, 129 Stat. 500.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 108-360, Oct. 25, 2004, 118 Stat. 1675, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 15701 of this title and Tables.

AMENDMENTS

2015—Pub. L. 114-52 amended section generally. Prior to amendment, section authorized appropriations for fiscal years 2006 to 2008.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

§ 15707. Coordination

The Secretary of Commerce, the Director of the National Institute of Standards and Tech-

nology, the Director of the Office of Science and Technology Policy and the heads of other Federal departments and agencies carrying out activities under this chapter and the statutes amended by this chapter shall work together to ensure that research, technologies, and response techniques are shared among the programs authorized in this chapter in order to coordinate the Nation’s efforts to reduce vulnerability to the hazards described in this chapter.

(Pub. L. 108-360, title II, §209, Oct. 25, 2004, 118 Stat. 1680.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 108-360, Oct. 25, 2004, 118 Stat. 1675, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 15701 of this title and Tables.

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